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7
8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

* * *

10
11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 vs.
14 RYAN MONTES BROWN ,
15 Defendant.

CASE NO.: 2:11-cr-205-LRH-VCF

**WAIVER OF PRELIMINARY HEARING
PURSUANT TO FED. R. CRIM. P.
32.1(b)(1)(A)**

16
17 COMES NOW, the defendant, RYAN MONTES BROWN, by and through his
18 attorney of record, NISHA BROOKS-WHITTINGTON, Assistant Federal Public Defender, and
19 hereby moves this Court pursuant to Fed. R. Crim. P. 32.1(b)(1)(A) to waive the preliminary hearing
20 scheduled for Monday, December 19, 2011, at the hour of 2:30 p.m., and proceed with the Final
21 Hearing re: Revocation of Supervised Release scheduled for Thursday, January 12, 2012, at the hour
22 of 1:30 p.m.

23
24 DATED this 15th day of December, 2011.

25 RENE L. VALLADARES
Federal Public Defender

26
27 By: /s/ Nisha Brooks-Whittington
NISHA BROOKS- WHITTINGTON
28 Assistant Federal Public Defender

MEMORANDUM OF POINTS AND AUTHORITIES

Federal Rules of Criminal Procedure 32.1 provides that:

In General. If a person is in custody for violating a condition of probation or supervised release, a magistrate judge must promptly conduct a hearing to determine whether there is probable cause to believe that a violation occurred. *The person may waive the hearing.*

Fed. R. Crim. P. 32.1(b)(1)(A) (italics added). Undersigned counsel discussed this waiver with the defendant, Ryan Brown (“Mr. Brown”), and he consents to waiving the preliminary hearing scheduled for December 19, 2011. Mr. Brown hereby requests this Court to vacate the preliminary hearing pursuant to his waiver, and further requests this Court to proceed with the Final Hearing re Revocation of Supervised Release scheduled for January 12, 2012.

DATED this 15th day of December, 2011.

Respectfully submitted,

By: /s/ Nisha Brooks-Whittington

NISHA BROOKS- WHITTINGTON
Assistant Federal Public Defender

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,
Plaintiff,

2:11-cr-205-LRH-VCF

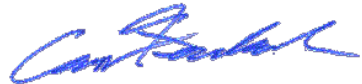
vs.

ORDER

RYAN MONTES BROWN,
Defendant.

IT IS HEREBY ORDERED ADJUDGED AND DECREED that the preliminary hearing set for Monday, December 19, 2011 at the hour of 2:30 p.m is vacated, and this matter will proceed on the Final Hearing re Revocation of Supervised Release currently set for Thursday, January 12, 2012 before Judge Larry R. Hicks.

DATED: December 16, 2011.



UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF ELECTRONIC SERVICE

The undersigned hereby certifies that I am an employee of the Law offices of the Federal Public Defender for the District of Nevada and am a person of such age and discretion as to be competent to serve papers.

That on December 15, 2011, I served an electronic copy of the above and foregoing **WAIVER OF PRELIMINARY HEARING PURSUANT TO FED. R. CRIM. P. 32.1(b)(1)(A)** by electronic service (ECF) to the persons named below:

DANIEL G. BOGDEN
United States Attorney
CRISTINA D. SILVA
Assistant United States Attorney
333 Las Vegas Blvd. So., 5th Floor
Las Vegas, Nevada 89101

Via e-mail:
CRYSTAL JOHNSON

/S/ Nancy Vasquez
Nancy Vasquez, Legal Secretary to
NISHA BROOKS- WHITTINGTON,
Assistant Federal Public Defender